

THE LAW OFFICE OF
ELISA HYMAN, P.C.

MEMO ENDORSED:

May 19, 2020

BY ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

The conference currently scheduled for May 28, 2020 is adjourned to September 10, 2020 at 10 a.m.

SO ORDERED.



Dated: May 21, 2020

Re: M.V. et al. v. New York City Department of Education, et al.
20-cv-0735 (PGG)

Dear Judge Gardephe:

I represent the Plaintiffs in the above-referenced action. I am writing on behalf of both parties to request an adjournment of the initial conference that is scheduled for May 28, 2020. This is the parties' first request to adjourn the initial conference.

Plaintiff M.V. is the parent of J.V., a severely autistic student of the New York City schools. Plaintiffs' complaint against the New York City Department of Education ("DOE") et al. (collectively "Defendants" or "DOE") raises claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, the Due Process Clause of the 14th Amendment of the U.S. Constitution, 42 U.S.C. § 1983, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"), the New York State Constitution, and New York State Education Law.

Among other things, Plaintiffs allege that Defendants failed to implement impartial hearing orders favorable to Plaintiffs, which required Defendant DOE to provide various types of special education services. Additionally, as the prevailing party in the underlying impartial hearings, Plaintiffs are entitled to reasonable attorney's fees for the administrative hearings and this action. Defendants generally deny all allegations.

The parties are very interested in exploring whether settlement is an option and have engaged in initial settlement discussions. Currently, Plaintiffs are awaiting a service accounting from Defendants. Because of the New York City school closures during the COVID-19 pandemic, however, there have been substantial delays in obtaining information from the DOE. Nonetheless, the parties remain hopeful that settlement negotiations will be productive once the parties exchange relevant information. The parties regularly litigate cases together concerning special education and the overwhelming majority of matters settle.

For these reasons, the parties are jointly requesting a 90-day adjournment of the initial conference. This will enable Defendants to obtain the necessary information and give the parties time to meet and confer to determine whether settlement is likely. Moreover, Defendants will need time to obtain Comptroller settlement approval.

Thank you for your consideration of this adjournment request.

Respectfully Submitted,

_____*/s*_____

Erin O'Connor,
Of Counsel,
The Law Office of Elisa Hyman, P.C.
Counsel for the Plaintiffs

cc: Andrew Rauchberg, Esq.